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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 4th October, 2008

No.10661-li/1(J)-28/2008/LE.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 30th May, 2006 in Industrial Dispute (C) Case No. 4/2003 of the Presiding Officer, Labour Court, Jeypore to whom the industrial dispute between the Management of M/s. Upper Indravati Hydro Electrical Project, Khatiguda and Mukhiguda and Their N.M.R. workers represented through the General Secretary, N.M.R. Workers, Union, Khatiguda, District- Nabarangpur was referred for adjudication is hereby published as in the scheduled below:—

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, JEYPORE,
KORAPUT

INDUSTRIAL DISPUTE CASE No. 4 OF 2003

The 30th May 2006

Present: Shri R.K. Saran,
Presiding Officer,
Labour Court, Jeypore,
Koraput.

Between: 1. The Project Aministrator, UIHEP,
Khatiguda, At/P.O.- Khatiguda,
Dist-Nabarangpur.
2. The General Manager,
UIHEP (Electrical),
Mukhiguda, At/P.O.- Mukhiguda,
Dist-Kalahandi.

3. The Director,
 H.R.D. OHEC Ltd.,
 Bhubaneswar
 At/P.O.- Bhubaneswar,
 Dist-Khurda. .. First—Party Management

Vrs.

The General Secretary,
 Indravati Project N.M.R. Workers
 Union, Khatiguda,
 At/P.O.- Khatiguda,
 Dist-Nabarangpur. .. Second—Party Workman

Under Sections: 10 & 12 of the Industrial Disputes Act, 1947.

Appearances :

For the Management	.. Shri Trinath Das, Advocate, Jeypore.
For the Workman	.. Self.
Date of Argument	.. 24-05-2006.
Date of Award	.. 30-05-2006.

AWARD

This is a reference U/s 10 (1) read with Section 12 (5) of the Industrial Disputes Act, 1947 made by the State Government of Orissa in the Labour & Employment Department Memo No. 3989 (6) L.E., dated the 21st April 2003 for adjudication of the dispute mentioned below—

SCHEDULE

“Whether the demand of the N.M.R. Workers represented through General Secretary, Indravati Project N.M.R. Workers Union, Khatiguda, Dist-Nabarangpur vide registered No. 140/19-02-1996 (J) i.e. regularization of 111 nos. of N.M.R. workers in the Management of U.I.H.E.P., Khatiguda and Mukhiguda with immediate effect is legal/ and justified ? If not, to what relief 111 nos. of N.M.R. Workers are entitled ?”

2. The present reference was received from the Government to pass Award as to whether the regularization of service of 111 nos. of N.M.R. workers in U.I.H.E.P., Khatiguda and Mukhiguda with immediate effect is legal/ justified ? If not, what relief the 111 nos. of N.M.R. workers are entitled ?
3. During the course of hearing the Management and the General Secretary of the Indravati Project Workers Union, Khatiguda file a joint application for withdrawal of Industrial Dispute Case No. 4/2003 along with “K” Form, supported by affidavit by the Secretary of Workers Union B.Ch. Moharana on Scrutiny of “K” Form it is seen that, the

Management is ready to regularize 79 workmen out of 111 and both the Management and the Secretary of the Union insist the Court to accept the "K" Form. Doubt arisen in the minds of the Court what will happen to other 21 workmen, for which, the other 21 persons who are not regularized are noticed. On being asked they say that, their Secretary, B. Ch. Moharana having hand in gloves with the Management managed to regularize the case of 79 persons barring the rest. They also submitted that, by that action they have prayed to withdraw the reference.

4. By filing of "K" Form the reference given for answer by the Government can not be withdrawn by the Management or the Workmen. The Secretary, B. Ch. Moharana was also asked to submit the by law of the Trade Union and the Registration Certificate where he has been authorized to act for all the workmen. His present action clearly shows being the Secretary of the Union he is indulging in unfair Labour Practice and it is high time that such type of trade union should be spotted out and action should be taken by the appropriate Government.

5. In the present case, if 79 workmen has been regularized what is the harm to regularize the rest 21 persons who have expressed anguish regarding the action of their Secretary, B. Ch. Moharana. Therefore, it is appropriate that if 79 workmen are going to be regularize what harm will be done if the service of 21 persons will be regularized. The action of B. Ch. Moharana the Present Secretary of N.M.R. workers in U.I.H.E.P., Khatiguda and Mukhiguda Trade Union is deprecated.

6. In the result the reference is answered in favour of all the workmen, they would be regularized with immediate effect and their demand is genuine and justified.

The reference is accordingly answered.

Dictated and Corrected by me.

R.K. Saran
Dt. 30-05-2006
Presiding Officer,
Labour Court,
Jeypore.

R.K. Saran
Dt. 30-05-2006
Presiding Officer,
Labour Court,
Jeypore.

By order of the Governor

K.C. BASKE
Under-Secretary to Government